

The Committee on the Judiciary moves to amend the bill on page two, following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following language:

"ARTICLE 1C. HEALTH CARE PROVIDER TRANSPARENCY ACT.

§16-1C-1. Legislative findings and purpose.

(a) The Legislature finds that:

(1) Patients receiving health care in this state need increased clarity and transparency with regard to the qualifications of employees of health care providers.

(2) There are widespread differences regarding the training and qualifications earned by employees of health care providers. These differences often concern the training and skills necessary to correctly detect, diagnose, prevent and treat serious health conditions.

(3) The reliability of the health care system is undermined and patients are put at risk when patients are confused or mislead about the qualifications of employees of health care providers to provide specific patient care.

(b) The purpose of this article is to require employees of health care providers to wear identification badges, clearly informing patients of their name and title.

§16-1C-2. Definitions.

(a) "Direct patient care" means health care that provides for

1 the physical, diagnostic, emotional or rehabilitation needs of a
2 patient or health care that involves examination, treatment or
3 preparation for diagnostic tests or procedures.

4 (b) "Employee" means an employee or contractor of a health
5 care provider or a person who is granted privileges by a health
6 care provider who delivers direct patient care.

7 (c) "Health care provider" means an individual, partnership,
8 corporation, facility, hospital or institution licensed or
9 certified or authorized by law to provide professional health care
10 service in this state to a patient during that patient's medical,
11 remedial or behavioral health care, treatment or confinement.

12 (d) "Secretary" means the Secretary of the West Virginia
13 Department of Health and Human Resources. The secretary may define
14 in rules any term or phrase used in this article which is not
15 expressly defined.

16 **§16-1C-3. Identification badge requirements.**

17 Notwithstanding any other provision of this code, an employee
18 shall wear an identification badge when providing direct patient
19 care. The identification badge shall be worn in a conspicuous
20 manner so as to be visible and apparent.

21 **§16-1C-4. Exceptions.**

22 (a) Notwithstanding section three of this article, the
23 following shall apply:

24 (1) An employee shall not be required to wear an

1 identification badge while delivering direct patient care if it is
2 not clinically feasible.

3 (2) The last name of the employee may be omitted or concealed
4 from an identification badge when delivering direct patient care if
5 the employee is concerned for his or her safety.

6 (b) An employee may petition the secretary for an exemption
7 from the requirements of this article for reasons that are not set
8 forth in this section.

9 **§16-1C-5. Rules.**

10 The Secretary of the Department of Health and Human Resources,
11 in consultation with appropriate health care provider professional
12 licensing boards, shall propose rules for legislative approval in
13 accordance with the provisions of chapter twenty-nine-a of this
14 code to implement the provisions of this article. These rules
15 shall include, at a minimum:

16 (1) The contents of the identification badge, which shall at
17 least include the name of the employee and title of the employee;

18 (2) The title to be used to identify employee licensure
19 information;

20 (3) The appearance of the identification badge, which shall
21 have the title of the employee as large as possible in block type:
22 *Provided,* That health care facilities providing identification
23 badges prior to enactment of this article shall not be required to
24 issue new badges;

1 (4) The process and procedure for seeking an exemption from
2 the requirements of this article; and

3 (5) Such other rules as may be deemed necessary to effectuate
4 the purposes of this article.

5 **§16-1C-6. Applicability.**

6 Section three of this article applies to employees of health
7 care providers, as of July 1, 2015."